



JFW⁹

Attorney Docket No. 33964/1120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Gleason et al.) Examiner: Marcus Kirk
Serial No. 10/805,033) Group Art Unit: 3764
Filed: March 19, 2004)
For: Method and Apparatus for Providing Hot and Cold Massage)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. In accordance with the PTO notice dated July 11, 2003, waiving the requirement under 37 CFR 1.98 (a)(2)(i) for submitting copies of each cited U.S. Patent, for all U.S. national patent applications filed after June 30, 2003, no copies of U.S. Patents are enclosed. However, copies of foreign patents and non-patent literature are submitted under 37 CFR 1.98(a)(2).

The documents are being submitted within three (3) months of the filing of this application or entry into the national stage of this application, or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication, or other information referred to herein is "prior art."

It is requested that the accompanying information disclosure statement be considered and made of record in the above-captioned application. To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

By: Andrea L. Hirst
Andrea L. Hirst
Registration No. 55,269

Brookstone Purchasing, Inc.
One Innovation Way
Merrimack, New Hampshire 03054
Telephone: (603) 577-8274
Facsimile: (603) 577-8011
Customer No. 54945



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

3

Complete if Known

Application Number	10/805,033
Filing Date	March 19, 2004
First Named Inventor	Gleason
Art Unit	3764
Examiner Name	Marcus Kirk

Attorney Docket Number 33964-1120

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- D510,441 S	10-04-2005	Harris, Jr. et al.	
		US- D454,959 S	03-26-2002	Harris et al.	
		US- D466,612 S	11-25-2002	Harris et al.	
		US- D476,746 S	06-01-2003	Harris et al.	
		US- D435,913 S	01-02-2001	Harris et al.	
		US- D438,308 S	02-27-2001	Harris et al.	
		US- D466,217 S	12-03-2002	Harris et al.	
		US- D415,838	10-26-1999	Noble	
		US- 6,981,954 B2	01-03-2006	Huang	
		US- 6,165,145	12-26-2000	Noble	
		US- 5,716,332	02-10-1998	Noble	
		US- 6,733,466 B2	05-11-2004	Huang	
		US- 6,730,050 B2	05-04-2004	Huang	
		US- 6,500,135 B2	12-21-2002	Huang	
		US- 6,786,878 B2	09-07-2004	Dehli	
		US- 6,432,072 B1	08-13-2002	Harris et al.	
		US- 20030028134 A1	02-06-2003	Lev et al.	
		US- 20050020947 A1	01-27-2005	Delhi	
		US- 20050049529 A1	03-03-2005	Ferber et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	10/805,033
		Filing Date	March 19, 2004
		First Named Inventor	Gleason
		Art Unit	3764
		Examiner Name	Marcus Kirk
Sheet	2	of	3
		Attorney Docket Number	33964-1120

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ²Applicant's unique citation designation number (optional). ³See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3.) ⁵For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶Kind of document by appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁷Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

Complete if Known**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

3

of

3

Application Number	10/805,033
Filing Date	March 19, 2004
First Named Inventor	Gleason
Art Unit	3764
Examiner Name	Marcus Kirk
Attorney Docket Number	33964-1120

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Sharper Image, Three-in-One Flex Head Massager, YA001, www.sharperimage.com	
		ActiveForever.com, Dr. Scholls Perfect Reach Thermal Massager, A12040, www.activeforever.com	
		Brookstone, Theraspa Turbo Massage, www.brookstone.com	
		Homedics, HydraGel Infrared Massager, HG-2, www.homedics.com	
		Homedics, Infra Tech Max Dual Heat Massager, IR-610, www.homedics.com	
		Homedics, HydraGel Rechargeable Massager, HG-1, www.homedics.com	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.